

REMARKS

The Examiner objects the specification as failing to provide an adequate written description of the invention and failing to adequately teach how to make and/or use the invention, i.e. failing to provide an enabling disclosure because the application fails to sufficiently describe the labeling system or the record of medicine consumption or color coded. There are no details in description of the labeling system or the record of medicine consumption or color coded.

The applicant has amended the claims by narrowing them and therefore the applicant believes that the specification provides an adequate description for the claimed invention. Furthermore, the applicant has amended the specification and the drawings as to clearly indicate the claimed elements. The applicant believes that the objection is not valid anymore and requests the Examiner to reconsider the objection.

Claims 1-18 are rejected under 35 USC 112, first paragraph, for the reasons set forth in the objection to the specification.

The applicant has canceled claims 2-4, 9-14, 16, and 18. Furthermore, the applicant has amended the independent claim 1 by adding there limitations. The applicant believes that the amended claims are enabled in the specification and the amended drawings.

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, a labeling system or a small box, a briefcase form, a time frame as recited in claims 14-15, a record of medicine consumption, color coded must be shown or the feature(s) canceled from the claim(s).

The applicant has canceled claims 2 and 3, thereby the tray or the small box features are not anymore claimed. Drawings 1 and 2 have been amended and drawings 3 to 6 are added. No new matter is entered, but only the features described in the original application have been clarified. The amended drawings now clearly show the elements of the invention as described in the original specification.

The applicant believes that the drawings as now amended show every feature of the newly amended claims, and therefore the applicant requests the Examiner to reconsider the rejection.

Claims 1,2,5,6 and 8 are rejected under 35 U.S.C 102(b) as being anticipated by Mangini et al. The Examiner states that Mangini discloses a medicine organizer device comprising a holding device being a tray like in form for holding a plurality of medicine containers, a labeling system for the medicine contains and a plurality of containers attached to the holding device with each container extended above a top of the holding device. The Examiner further states that since a top of each extended above the top of the holding device, the user is inherently capable of reaching each container by the user's

mouth. As to claims 5 and 6, the medicine containers of Mangini are bottles/capped tubes.

The applicant has canceled claim 2. The independent claim 1 is narrowed so that it now has limitations that are not part of Mangini publication. According to the currently amended claim 1, the applicant claims a briefcase formed device, wherein the containers can be positioned right side up when full and right side down when empty. This is clearly not a feature of Mangini and actually not even possible as deduced from Fig 1 of Mangini where the cap portion of the containers is wider than the holes in the container box. A further distinction in the newly amended claims as to Mangini invention is that the containers are so sized that they can hold a one day medicine portion, while Mangini's invention is for use of those who retail sale pharmaceuticals. Therefore, the containers of Mangini invention are inherently much bigger than those according to the present disclosure. An even further limitation in the amended claim is the size of the container opening being of such size that the user can position the opening between his/her lips and ingest the portion of one time medicines by tilting the container. This is an important feature of the present invention as it prevents any spilling while emptying the container. These limitations in the independent claims carry over to the dependent claims as well and thereby distinguish them from Magnini invention. The applicant believes that the amended claims are allowable and requests the Examiner to reconsider the rejection.

Claims 3, 4, 7, 9-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mangini in view of Will and Pearson. The Examiner states that Mangini discloses the

medicine organizer device as above having all the limitations of the claims except for the holding device being a small box or in briefcase form. Will shows a medicine organized device comprising a holding device is in a box form/briefcase form for holding a supply of medication arranged by day and time of taking the medication. Pearson suggests a medicine organizer device comprising a holding device is in a small box for holding a plurality of medicine containers arranged by time of taking the medication. The Examiner states that it would have been obvious to one having ordinary skill in the art in view of Will and Pearson to modify the holding device of Mangini so the holding device comprises a small box or in briefcase form to facilitate carrying the medicine containers.

The applicant has canceled claims 3, 4, 9-14 and 16. Moreover, the applicant has narrowed the independent claim 1 so as to distinguish the invention from that of Mangini's. Having the features of the device being capable of holding empty containers up side down and having containers with an opening fitting in between of the lips of the user, thereby allowing the user to empty the container having one day medication, makes the present invention different from Mangini. Because of this combining Mangini, Will and/or Pearson would not lead to the present invention. Therefore the applicant believes that the rejection should be removed and the amended claims allowed.

Claims 17 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over the references as applied to claim 1 above, and further in view of Mckee. Mangini fails to show the containers being color coded. Mckee teaches a plurality of containers having color coded to indicate the time of day the medication in the containers should be taken.

The Examiner states that it would have been obvious to one having ordinary skill in art in view of Mckee to modify the containers of Mangini so the containers include color coded to indicate a specific time of consumption of the medicine to prevent the user from taking the wrong medicine.

The applicant has canceled claim 18. Claim 1 has been narrowed to distinguish the invention from the invention of Mangini as described above. Based on the amendments of claim 1 now narrowing the claim the applicant believes that combining the teaching of Mckee, Will, Pearson and Mangini would not lead to the present invention of the amended claims and therefore the present invention would not have been obvious to one skilled in the art.

The novel features of the present invention are the containers having opening of such size that the user can fit the opening in between of her/his lips to empty the container which contains the exact amount for one time medication and the feature that the holding device allows attaching empty containers upside down to show to the user what medication is already taken. These features are not described in any of the prior art pieces and are not suggested in any of them. All these features are described in the original specification of the applicant and are now written in to the amended claims also. Therefore, the applicant believes that the newly amended claims are allowable and the applicant requests the Examiner to reconsider the rejection.

CONCLUSION

Each of the Examiner's rejections has been addressed and the applicant has amended the claims to distinguish the present invention from the prior art cited by the Examiner.

Accordingly, favorable reconsideration and examination of the claims is respectfully requested along with allowance of the new claims.

Respectfully submitted by,

A handwritten signature in black ink, appearing to read 'John Dodds', with a stylized, cursive script.

John Dodds

Attorney of the Applicant

Reg. No. 45533

cc. Mr. Bowman

File

Replacement sheet

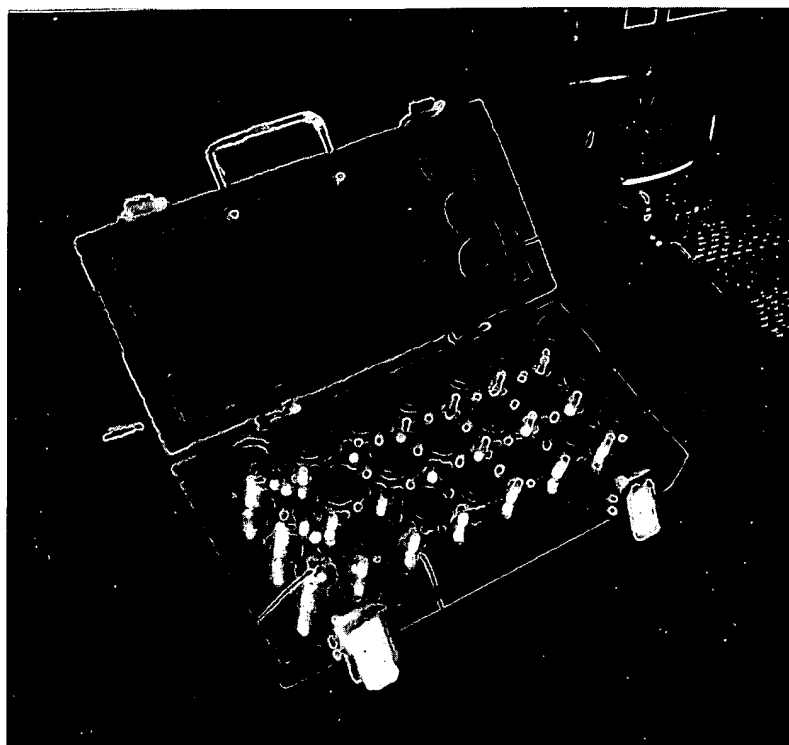
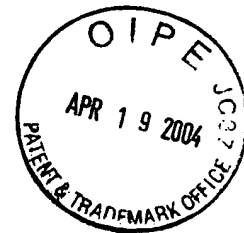


Fig 1.

Application no 10/076,297
Bowman, William Kenneth

Replacement Sheet

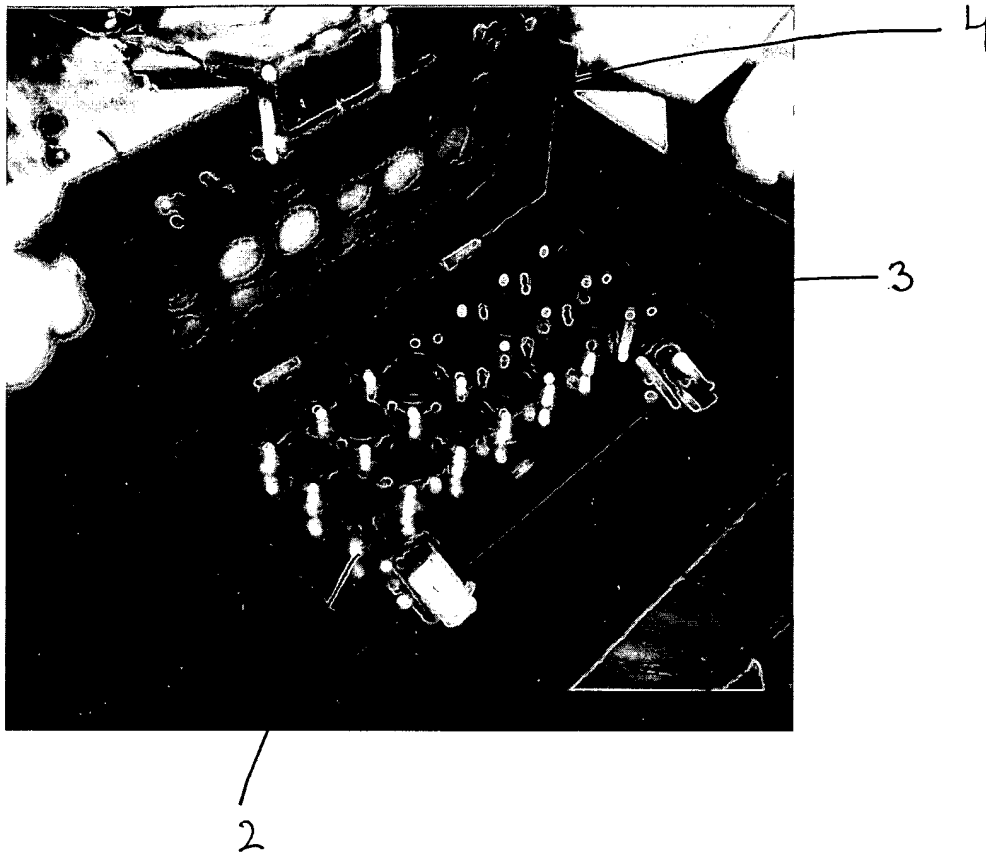


Fig 2.

Application no. 10/076,297
Bowman, William Kenneth



Application no. 10/076,297
Bowman William Kenneth

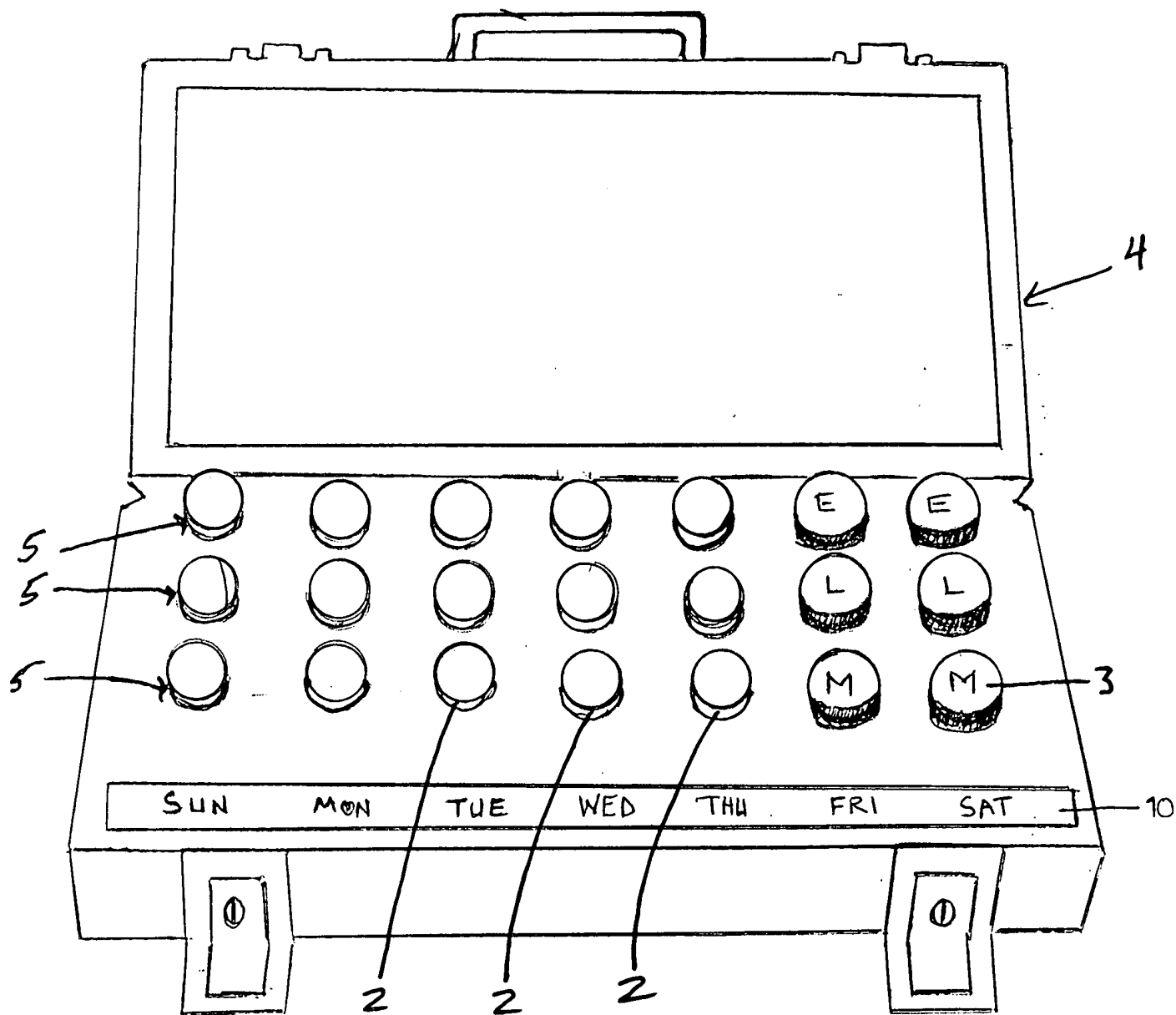


FIGURE 3



Application No 10/076,297
Bowman, William Kenneth

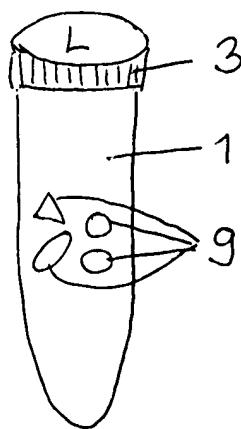
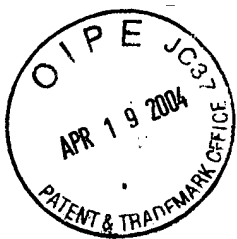


Figure 4



Application 10/076,297
Bowman William Kenneth

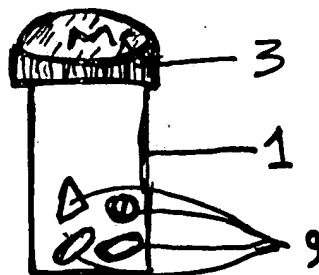
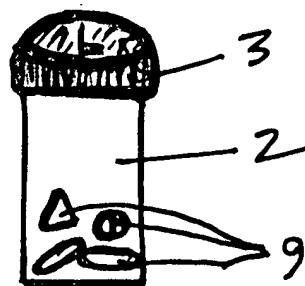
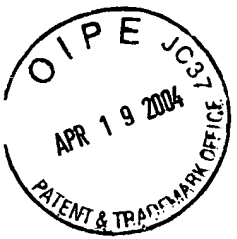


FIGURE 5



Applicaition 10/076,297
Bowman William Kenneth

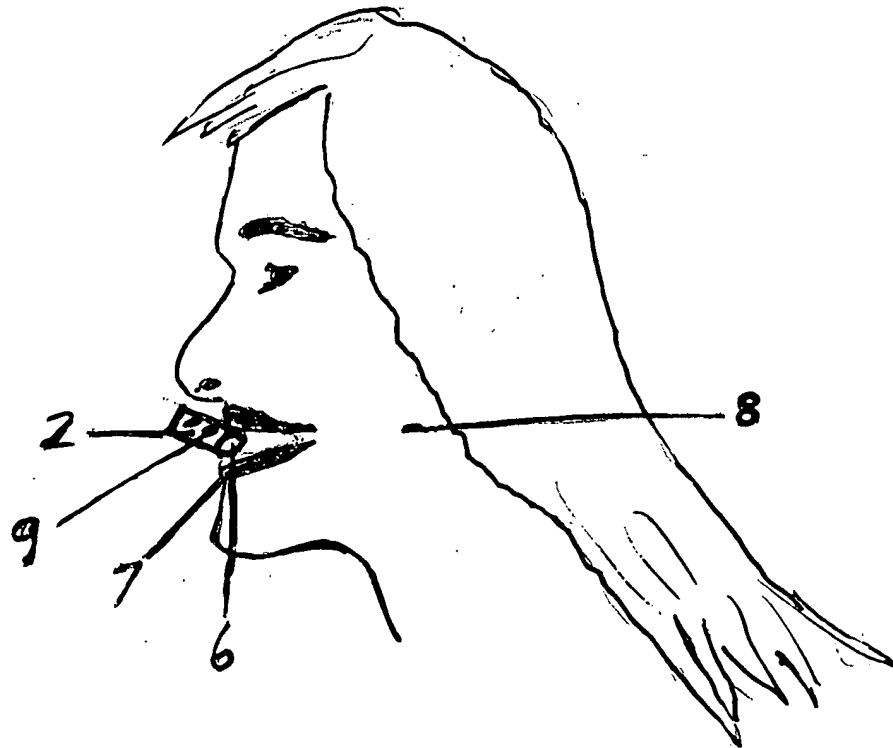


FIG 6